

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GUDMECINDO BAHENA SEGURA	§	
	§	
v.	§	
	§	Civil Cause No. 3:17-cv-02239
ROEHL TRANSPORT, INC., AND	§	
CHARLIE MCFADDEN	§	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **ROEHL TRANSPORT, INC., and CHARLIE MCFADDEN**, Defendants in the above-referenced matter, and files this their Notice of Removal under 28 U.S.C. § 1332(a).

I.
INTRODUCTION

1. Plaintiff GUDMECINDO BAHENA SEGURA is an individual citizen and resident of the State of Texas.

2. Defendant ROEHL TRANSPORT, INC., is a foreign corporation duly registered and incorporated and maintaining its principal place of business within the state of Wisconsin.

3. Defendant CHARLIE MCFADDEN, is an individual citizen and resident of the State of Georgia.

5. Defendant ROEHL TRANSPORT, INC., was served with suit on or about July 28, 2017. Defendant CHARLIE MCFADDEN was served with suit on or about July 28, 2017. Defendants, therefore, have filed this Notice of Removal within the thirty-day time period required by 28 U.S.C. § 1446.

6. Plaintiff has sued Defendant CHARLIE MCFADDEN asserting negligence and

Defendant ROEHL TRANSPORT, INC., asserting that the alleged negligence on the part of Defendant CHARLIE MCFADDEN can be imputed to ROEHL TRANSPORT, INC. Plaintiff's suit is currently pending in the 134th Judicial District Court of Dallas County, Texas, Cause No. DC-17-08345.

II.
BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is one which is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendants ROEHL TRANSPORT, INC., is a Wisconsin corporation with its principal place of business in Wisconsin and CHARLIE MCFADDEN is a citizen of the State of Georgia.

8. The Defendants are now, and were at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332. Accordingly, because the notice of removal was filed within thirty days (30) after the receipt of a copy of the initial pleading setting forth the claim for relief this removal is proper and timely under 28 U.S.C. § 1446(b).

9. The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of One Million and No/100 Dollars (\$1,000,000.00). Plaintiff's Original Petition, attached to this Notice, alleges that Plaintiff intends to show that her damages exceed \$1,000,000. *See Plaintiff's Original Petition, page 2.*

10. All pleadings, process, orders, and all other filings in the State Court action are attached to the Notice of Removal as required by 28 U.S.C. § 1446(a) and are resubmitted herewith.

11. The United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, the place where the State Court Action was filed and is pending. This statement is not meant as a waiver of any argument that venue is proper in the location in which the State Court Action was filed, but merely demonstrates the propriety of removing the action to this federal judicial district.

12. Defendants filed a copy of the Notice of Removal with the Clerk of the State Court in which the action had been pending.

13. Defendants hereby demand a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, Defendants, as a party in diversity with the Plaintiff, respectfully requests that this action be immediately and entirely removed upon filing this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, and for such other and further relief to which they may show themselves to be justly entitled.

Respectfully Submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.

/s/ Michael P. Sharp

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**ATTORNEYS FOR DEFENDANTS
ROEHL TRANSPORT, INC. AND
CHARLIE MCFADDEN**

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2017, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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/s/ Michael P. Sharp

MICHAEL P. SHARP